

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DILBERT,

Plaintiff,

v.

POTTER,

Defendant.

No. C 05-00087 MEJ

**ORDER RE POST-HEARING FILING
DEADLINES**

On April 9, 2009, the Court held a hearing on Defendant's Motion for Summary Judgment and also addressed issues relating to any outstanding discovery requested in Plaintiff's Motion to Compel. During the hearing, the Court questioned Plaintiff about what evidence he has in support of his assertion that he had an agreement with his employer entitling him to a flex-hours work schedule. Plaintiff indicated that he has an email referring to such an agreement. If Plaintiff wishes the Court to consider that email as part of his Opposition in ruling on the Motion for Summary Judgment, Plaintiff is directed to file the email with the Court by April 24, 2009.

With respect to outstanding discovery requested in Plaintiff's Motion to Compel, Defendant indicated that it has not received a response from Stanford regarding the existence of any medical records relating to a fitness assessment conducted of Plaintiff. The Court therefore orders Defendant to follow-up on the request and to file a statement by April 17, 2009 indicating the status of the requested records. If no records exist, Defendant shall file a verified declaration so indicating.

IT IS SO ORDERED.

Dated: April 9, 2009



MARIA-ELENA JAMES
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DILBERT,

Plaintiff,

v.

POTTER et al,

Defendant.

Case Number: CV05-00087 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 9, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Clifford Dilbert
V96613
Mule Creek State Prison
P.O. Box 409060
Ione, CA 95640

Dated: April 9, 2009

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk

United States District Court
For the Northern District of California